

# **CITY OF NEWPORT DOCKET OF THE COUNCIL MEETING MAY 22, 2013**

Proclamation Proclaiming May 23, 2017, “Senior Enlisted Academy  
Class 173 International Student Day”

Proclamation Honoring Heather Abbott

The following items of business, filed with the City Clerk under the Rules of the Council, will come before the Council at its regular meeting to be held on May 22, 2013, at 6:30 p.m.

## ***PLEDGE OF ALLEGIANCE TO THE FLAG***

**CITIZEN’S FORUM:** (Speakers must sign in with the City Clerk). The Citizen’s Forum period shall be no longer than fifteen minutes and citizens may address the Council on **one subject only and for no longer than three minutes**. Issues to be discussed shall not include matters to be considered or discussed as part of the regular council agenda and must be related to substantive city business. No comments regarding personnel or job performance are allowed.

1. **PUBLIC HEARING: Recommended 2013-14 Operating Budget**
  - a. Revisions to the FY14 Proposed Budget
  - b. Ordinance Appropriating Revenues for FY14 (First Reading)
  - c. Ordinance Amending Title 3, Personnel (First Reading)

It is the practice of the Council to meet at 6:20 p.m. in the second-floor Conference Room to discuss docket items. The public is invited to attend. The docket, along with all supporting documents, can be viewed on the City of Newport website: [www.cityofnewport.com](http://www.cityofnewport.com) – “Current Newport City News & Announcements” – Click on “MORE NEWS.” Council Meetings can be viewed on Cox Cable, Channel 18; check local listings for dates and times. A DVD of the Council Meeting will be available at the Newport Public Library within 48 hours of the meeting.

LIVE VIDEO CONFERENCING OF COUNCIL MEETINGS AND WORKSHOPS WILL BE AVAILABLE AT THE NEWPORT POLICE STATION, WHICH IS ACCESSIBLE AND MEETS ADA REQUIREMENTS, **BASED UPON NOTIFICATION TO THE CITY MANAGER’S OFFICE (845-5429) A MINIMUM OF 48 HOURS IN ADVANCE OF THE MEETING.** INDIVIDUALS REQUIRING INTERPRETER OR OTHER ACCOMMODATIONS MUST NOTIFY THE CITY MANAGER’S OFFICE TWO WEEKS IN ADVANCE OF THE MEETING.

- d. Ordinance Amending Chapters 13.12.010 and 13.12.040 to increase the Sewer Rate to \$11.92 per 1,000 gallons of metered water consumption (First Reading)

**2. PUBLIC HEARING: Zoning – Public Utilities**

- a. Recommendation of the Planning Board (to be forwarded)
- b. Ordinance Amending the Zoning Ordinance: Section 17.64.010, “Definitions”; Section 17.08.020, “Use Regulations”; and Section 17.88.020, “Uses requiring development plan review.” (First Reading)

**3. CONSENT CALENDAR.** (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)

- a. Minutes of April 24, 2013, Council Meeting (Approve)
- b. Special Event Licenses:
  - 1) Elmwal Associates, LLC, d/b/a 2013 Summer Concert Series; outside shops at Long Wharf Mall: May 25, June 1, 8, 15, 22, 29; July 6, 13, 20, 27; Aug. 3, 10, 17, 24, 31; Sept. 7, 14, 21, 28; Oct. 5, 12; from 1:00 p.m. to 5:00 p.m.
  - 2) Patrick Kilroy on behalf of Sailors for the Sea, Inc., d/b/a Atlantic Cup Prize Giveaways & Trophy; 30 Bowens Wharf parking lot, May 26, 2013, from 6:00 p.m. to 9:00 p.m.
  - 3) Newport Hospital, d/ b/a A Seaside Summer Evening: Celebrating the Van Beuren Charitable Foundation; Salve Regina University, 100 Ochre Point Ave., July 11, 2013, from 6:30 p.m. to 10:00 p.m.
  - 4) Island Moving Company, d/b/a Nuit Blanche—Island Moving Co. Gala; Bellevue House, 304 Bellevue Ave., July 12, 2013, from 8:00 p.m. to Midnight.
  - 5) Redwood Library, d/b/a Strictly Sinatra/Fundraising Gala; Redwood Library & Athenaeum, July 13, 2013, from 6:30 p.m. to 11:00 p.m.

- 6) Newport Elks, d/b/a Christmas in July Bazaar; the Elks Lodge, 141 Pelham St., July 14, 2013, from 10:00 a.m. to 4:00 p.m.
  - 7) Boys & Girls Clubs of Newport County, Inc., d/b/a Fundraiser—Gala; Rosecliff, 548 Bellevue Ave., August 23, 2013, from 7:00 p.m. to Midnight.
  - 8) Mary Ann Martin, d/b/a Unique Boutique Craft Fair; Easton's Beach Rotunda, Nov. 9 and 10, 2013, from 10:00 a.m. to 4:00 p.m.
  - 9) Fort Adams Trust, d/b/a Sunset Celebrations; Fort Adams State Park, June 20, July 18, Aug. 15 and Sept. 19, 2013, from 6:00 p.m. to 10:30 p.m.
  - 10) Music Box, Inc., d/b/a Helly Hansen 2013 Warehouse Sale; Newport Yachting Center, 4 Commercial Wharf, Aug. 1, from 5:00 p.m. to 9:00 p.m.; Aug. 2 and 3, from 9:00 a.m. to Midnight; and Aug. 4, from 9:00 a.m. to 9:00 p.m.
  - 11) Hallowed Entertainment, d/b/a Zombies Got Guts/Adventure Race; Fort Adams State Park, Aug. 25, 2013, from 8:00 a.m. to 6:30 p.m.
  - 12) Start Kids Scholarship Program, d/b/a 2<sup>nd</sup> Annual Star Ride; Sept. 15, 2013, from 8:00 a.m. to 12 Noon, beginning and ending at Cluny School, Brenton Rd. (route attached)
- c. Farmer's Market License, Renewal, Aquidneck Growers' Market, Memorial Blvd., between Edgar Ct. and Chapel St., June 5 to Oct. 30, 2013, from 2:00 p.m. to 6:00 p.m.
- d. Holiday Selling License, New, NEHC, LLC, d/b/a The New England Harbour Club, 65 Long Wharf.
- e. Holiday Selling License, Renewals:
- 1) Amanda J. Gallagher, d/b/a Closet Revival, 30 Broadway
  - 2) The Stop & Shop Supermarket Co., LLC, d/b/a Super Stop & Shop #731, 199 J.T. Connell Highway
  - 3) Primavera, Inc., d/b/a Primavera, 4 Bowen's Wharf
  - 4) Alexander Nesbitt, d/b/a Blink Gallery, 140 Spring St.

- 5) Barrys Auto Group, Inc., d/b/a Barrys Auto Group, 166 Connell Highway (new ownership)
- f. Second-hand License, Renewal, Amanda J. Gallagher, d/b/a Closet Revival, 30 Broadway
- g. Communication from Felicidad Zeballos on behalf of the Spanish community of St. Joseph's Church, asking permission to use Braga Park for their Annual Picnic on Sunday, June 16, 2013, from 12 Noon to 6:00 p.m. (Approve subject to details being worked out with the city administration)
- h. Communication from Carla O'Rourke, Chairwoman, asking permission to close Bush Street on July 4, 2013, from 3:00 p.m. to 7:00 p.m. for the annual neighborhood block party. (Approve subject to details being worked out with the city administration)
- i. Communication from Jack Maytum, Benefactors of the Arts, asking permission to use Storer Park as headquarters for the Secret Garden Tours of Newport, June 14-16, 2013, from 9:00 a.m. to 6:00 p.m. (Approve subject to details being worked out with the city administration)
- j. Communication from Kevin Stacom, Manager, @ The Deck, LLC, Waite's Wharf, requesting designation of an approximately 60' loading zone on the east side of Thames Street, just south of South Baptist St., for the hours of 11:00 a.m. to 4:30 p.m. (Receive and refer to the Interdepartmental Traffic Committee for a recommendation)
- k. Communication from Dave McLaughlin, Clean Ocean Access, expressing appreciation to those who worked together towards the goal of preserving and protecting the natural beauty of the Cliff Walk during the upcoming repairs and endorsing the RI Dept. of Transportation modified plans. (Receive)
- l. An ordinance amending Title 17 of the Codified Ordinances, entitled, "Zoning"; Section 17.100.120, Keeping of Livestock and poultry." (Receive, refer to Planning Board, and order advertised for hearing.)
- m. Communication from the International Public Management Association for Human Resources recognizing Michael J. Coury as

recipient of the *2013 IPMA-HR Eastern Region Charles H. Cushman Award*. (Receive)

- n. CRMC Notice of intent to change management plans, policies, procedures and regulations—#980. Experimental Coastal Erosion Control (Receive)
- o. CRMC Notice of intent to change management plans, policies, procedures and regulations—Maps of Water Use Categories Control (Revision of Water Type Designations for Town of Bristol) (Receive)

### **LICENSES & PERMITS**

- 4. Application for a Sound Variance, Island Moving Company, in conjunction with “Nuit Blanche—Island Moving Co. Gala; Bellevue House, 304 Bellevue Ave., July 12, 2013, from 8:00 p.m. to Midnight. (Hearing)
- 5. Application of Fine Arts Newport, Inc., d/b/a Jane Pickens Theater & Event Center, 49 Touro St., to expand its Annual Class A (indoor) Entertainment License to include concerts, bands and plays. (First Hearing)
- 6. Annual Entertainment License, Renewals, Class A (with no changes):
  - a) Ocean State Five, LLC, d/b/a Five Guys Burgers, 199 Connell Hwy
  - b) NWPT, Inc., d/b/a One Eighty, 8-10 Broadway
  - c) Tri Group, LLC, d/b/a Newport Blues Café, 286 Thames St.
- 7. Victualing License, New, Nevaeh’s Design, LLC, d/b/a Sea Side Sweets, 337 Thames St., Unit 15.

### **COMMUNICATIONS & PETITIONS**

- 8. Communication from the Washington Square Roots Initiative, re:  
*Washington Square Community Charrette - Report to the Community*
- Council Liaison Updates: School Administration Building
- City Manager Update: Leases of City-owned properties

## **RESOLUTIONS**

9. In support of Senate Bill 696, Sub A, the Rhode Island Community Preservation Act, to promote capital investment and development within Rhode Island communities and provide a source of funding for such investment and development. (Requested by City Manager; continued from May 8, 2013)
10. In support of legislation creating a Municipal Road and Bridge Revolving Fund – H. Winthrop, J. Napolitano, J. McLaughlin, M. Farley
11. In support of Senate Bill S 0031 that would change the number of required revaluation statistical updates from every three years to every five years – J. Napolitano, H. Winthrop, K. Leonard, M. Camacho
12. Directing the city administration to engage the STEAM Academy to identify their building needs, and determine whether or not it would benefit the city and school committee to enter into a sale or lease agreement it (or any school-interested developer) at any school or other building owned by the city – M. Farley, M. Camacho
13. Endorsing the RIDOT revisions to the Cliff Walk Repair Plan and commending the RI Department of Transportation engaging the community in the development of this project.
14. Adopting in Concept the Vision Statement, Mission Statement, Goals and Implementation Plan of the Information Technology (IT) Working Group – N. Neville

## **ORDINANCES**

15. Amending Chapter 10.24 of the Codified Ordinances, entitled, “Parking Restrictions on Specific Streets,” to implement the recommendations of the Continuous Improvement Parking Workgroup (Second reading)
16. Amending Title 6 of the Codified Ordinances, entitled, “Animals,” to create a new Chapter 6.12, entitled, “Feeding of Non-Domesticated Animals.” (Requested by Councilor McLaughlin)

## **COMMUNICATIONS FROM THE CITY MANAGER**

17. Action #5150/13, re: Bid Award for Cliff Walk Double Unisex Restrooms (with accompanying resolution; continued from May 8, 2013)
18. Action #5153/13, re: Award of Contract for the Humphrey J. Donnelly (Gateway) Garage Repairs (with accompanying resolution)
19. Action #5154/13, re: Bid Award for July 4<sup>th</sup> Fireworks Display (with accompanying resolution)
20. Action #5155/13, re: Bid Award for Martin Recreation Center Restroom Improvements (with accompanying resolution)
21. Action #5156/13, re: Reopening of Congdon Park 2/Vanderbilt Park (with accompanying resolution)
22. Action #5157/13, re: Bid Award for Roadway Improvement Program 2013 (with accompanying resolution)
23. Action #5158/13, re: Letter of Agreement with the Rose Island Lighthouse Foundation – Lease of Office Space at the Newport Harbor Center (Armory) (with accompanying resolution)

RECESS AS COUNCIL AND CONVENE AS BOARD OF LICENSE COMMISSIONERS

## **BOARD OF LICENSE COMMISSIONERS**

### **1. CONSENT CALENDAR**

- a. Class F-1 Daily Liquor License, Fort Adams Trust, d/b/a Sunset Celebrations; Fort Adams State Park, June 20, July 18, Aug. 15 and Sept. 19, 2013, from 60 p.m. to 10:00 p.m.

- b. Class F-1 Daily Liquor License, Sailors for the Sea, Inc., d/b/a Sailors for the Sea, 30 Bowen's Wharf, May 26, 2013, from 6:00 p.m. to 9:00 p.m.
- c. Class F Daily Liquor License, Fort Adams Trust (in conjunction with Adventure Race Benefit for Fort Adams) ; Fort Adams State Park, Aug. 25, 2013, from 12 Noon to 4:00 p.m.
- d. Communication from Stephanie Whitney, General Manager, JH Enterprises, Inc., d/b/a Rhino Bar & Grille and The Mamba Room, 337 Thames St., re: change in d/b/a to The Rhino Bar & Grille and Tusk. (Receive and make part of the licensee's record.)

### **COMMUNICATIONS FROM THE CITY MANAGER**

- 2. Action #5104/13, re: Show Cause Hearing: Billy Goode Company, Inc., d/b/a Billy Goode's – Operating without a valid Class BV Alcoholic Beverage License.

ADJOURN AS BOARD OF LICENSE COMMISSIONERS AND RECONVENE AS COUNCIL and, based upon an affirmative vote of the majority present, move to Executive Session in the Conference Room, pursuant to RIGL Section 42-46-1, and in accordance with Section 42-46-5, "Purposes for Which Meetings May be Closed," to discuss matters related to collective bargaining with Lodge No. 8, Fraternal Order of Police.

Kathleen M. Silvia  
City Clerk

May 15, 2013